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KEY HOUSE MEMBER FEARS U.S. BREAKS LAW ON NICARAGUA

SAYS EVIDENCE IS STRONG

Intelligence Committee Chief, Citing 'Apparent Violation,' Calls Meeting of Panel

By MARTIN TOLCHIN

Special to The New York Times

WASHINGTON, April 13 — The chairman of the House Intelligence Committee said today that the Administration apparently has violated the law by providing covert aid to Nicaraguan rebels.

"The evidence is very strong," said Representative Edward P. Boland, Democrat of Massachusetts, whose committee oversees all intelligence operations.

Mr. Boland then convened a meeting of the committee at which it discussed, but took no action on, a proposal to cut off funds for the covert operations.

Shultz and Clark Invited

"If there had to be a vote taken, there would probably be enough votes to cut off the funding," said Representative Norman Y. Minetta, Democrat of California.

The committee agreed to invite Secretary of State George P. Shultz and William P. Clark, the President's national security adviser, to explain United States policy in Nicaragua.

The committee also heard a lengthy report of a visit to Nicaragua by Representative Wyche Fowler Jr., Democrat of Georgia, who has said the Administration has not fully adhered to the law.

Author of Congressional Ban

Mr. Boland was the author of the ban on covert aid to guerrillas seeking to overthrow the Sandinist Government in Nicaragua.

The ban, which took the form of an amendment to an appropriations bill, was signed into law in December. It states that "none of the funds provided in this act may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice, or other support for military activities, to any group or individual, not part of the country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

An opposite view was expressed Tuesday by Senator Barry Goldwater, Republican of Arizona and chairman of the Senate Intelligence Committee, who said he was convinced that the Central Intelligence Agency was not violating "the letter or the spirit" of the law.

The covert operations were begun with the idea of intercepting weapons sent through Nicaragua to insurgents in El Salvador and of harassing the Sandinist Government.

"The question is whether they have gone beyond merely stopping the infiltration of arms and equipment into El Salvador," Mr. Boland said in an interview. "It is my judgment that there has been an apparent violation of law. If you look at the stories that have come out of there, from reporters and members who have gone down there, the evidence is very strong."

He said he had convened the committee "to find out precisely how the members feel about it, and if the Administration would like to come up and talk to us."

The committee, which meets in closed sessions, can express its disapproval by refusing to authorize certain funds for the intelligence agency.

The problem felt by many members of Congress was expressed by Senator Howard H. Baker Jr., Republican of Tennessee, the majority leader. "I am never going to support an effort by this or any other Administration to subvert the law," he told reporters. "But I also won't stand idly by and let Cuba and Russia have a free ride in Central America. It would be disastrous for this country to just roll over and play dead."

Not a Final Vote

Meanwhile, Larry Speakes, the White House deputy press secretary, said that the vote Tuesday by a House Foreign Affairs subcommittee to reject additional military assistance to El Salvador and bar aid to Nicaraguan guerril-

las unless authorized by a joint resolution of Congress was "not by any means a final vote." He said the Administration would work with its allies in Congress to restore the funds and defeat any ban on covert activities.

"Our consultations with Congress, which have been extensive and as extensive as any that we've done on any foreign policy subject, reveal that there is a deep-rooted and sincere desire of most members of Congress to approach the Central American question in a fashion that will achieve U.S. foreign policy goals," Mr. Speakes said.

The Western Hemisphere Affairs subcommittee of the House Foreign Affairs Committee today completed its work on the authorization bill for the fiscal year 1984, voting to prohibit military assistance and sales to Guatemala and to prohibit military assistance to both Argentina and Chile until civilian governments take power there.

It also voted to prohibit military training funds for Paraguay and Uruguay and to cut off aid to Suriname.

Fact-Finding Group

Mr. Boland's conclusions were buttressed today by eight members of a fact-finding group, including two House members, that visited Nicaragua and Honduras. In a joint statement at a Capitol Hill news conference, they reported that the United States was "deeply involved in covert activities aimed at overthrowing the Government of Nicaragua."

One member, Representative Berkeley Bedell, Democrat of Iowa, then told the House, "If the American people could have talked with the common people of Nicaragua, whose women and children are being indiscriminately kidnapped, tortured and killed by terrorists financed by the American taxpayers, they would rise up in legitimate anger and demand that support for the criminal activity be ended at once."

Representative Robert G. Torricelli, Democrat of New Jersey, who also went on the mission, said United States officials in Central America had told him that they regarded the Boland amendment as a "legal triviality."